

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

April 7, 2015

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on March 16, 2015, makes reference to County Communication 15-49, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "URGING THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATER CRAFT OPERATIONS". The purpose of the proposed resolution is to urge the Administration to execute an agreement to compensate eligible ocean safety officers ("OSOs"), also known as lifeguards, for using personal watercraft in rescues and other operations.

Your Committee noted OSOs have been using personal watercraft, such as Jet Skis, to perform ocean rescues through a pilot program since 2002, without additional compensation.

The Director of Parks and Recreation said OSOs operate County-owned personal watercraft.

Your Committee notes in 2012 the voters approved an amendment to the Revised Charter of the County of Maui (1983), as amended ("Charter"), to place "shoreline and ocean rescue and safety" responsibilities under the Department of Fire and Public Safety ("Fire Department"). As amended, the Charter authorizes the Fire Department to establish a timetable to transition ocean-rescue and related responsibilities from the Department of Parks and Recreation to the Fire Department.

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The Director of Parks and Recreation said the transition has not yet occurred.

Your Committee notes that by Act 137 (2013) the State Legislature created Bargaining Unit 14, allowing for the Hawaii Government Employees Association ("HGEA") to collectively bargain on behalf of certain State and county public-safety officers, including OSOs.

The Director of Personnel Services said the State has not approved a master contract for Bargaining Unit 14; therefore, OSOs are still variously represented by HGEA Bargaining Units 3 and 4.

The Director of Parks and Recreation said the supplemental agreement sought by OSOs would compensate them at the rate of \$2.50 per hour for watercraft operations. He further stated the current budget does not include funding for the additional compensation.

Your Committee recommended the proposed resolution be revised to incorporate nonsubstantive revisions.

Your Committee expressed its support for the proposed supplemental agreement.

Your Committee voted 6-1 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Victorino and members Baisa, Carroll, Cochran, Crivello, and White voted "aye". Committee member Hokama voted "no". Committee Vice-Chair Couch and member Guzman were excused.

Your Committee is in receipt of a revised proposed resolution entitled "URGING THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATERCRAFT OPERATIONS", incorporating nonsubstantive revisions.

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Your Policy and Intergovernmental Affairs Committee
RECOMMENDS the following:

1. That Resolution _____, as revised herein and attached hereto, entitled "URGING THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATERCRAFT OPERATIONS", be ADOPTED; and
2. That County Communication 15-49 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

Resolution

No. _____

URGING THE MAYOR AND THE DIRECTOR OF
PARKS AND RECREATION TO ENTER INTO A
SUPPLEMENT AGREEMENT WITH THE
HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION TO COMPENSATE OCEAN
SAFETY EMPLOYEES FOR WATERCRAFT
OPERATIONS

WHEREAS, until July 2002, the responsibility of ocean safety officers ("OSOs"), Division of Ocean Safety, Department of Parks and Recreation, was mostly limited to responding to calls in the County of Maui Department of Fire and Public Safety districts and County beach parks where they were stationed; and

WHEREAS, in 2002, the Division joined the Maui 911 Emergency Response System and began responding to calls for ocean rescues using personal watercraft, also known as Jet Skis; and

WHEREAS, subsequent to joining the Emergency Response System, OSOs who are members of Collective Bargaining Unit 3 of the Hawaii Government Employees Association ("HGEA") became responsible for ensuring the public's safety on County coastlines; and

WHEREAS, OSOs interface with the County of Maui Department of Police using 800 MHz radios; and

WHEREAS, OSOs perform water rescue services year round with the majority of incidents occurring miles outside of the OSOs' assigned park; and

WHEREAS, OSOs working with personal watercraft have greater risk, responsibility, and bodily wear and tear than those who do not work in that capacity; however, they do not receive any additional compensation or hazard pay; and

WHEREAS, OSOs volunteered to become personal watercraft operators with the promise that appropriate compensation would follow; and

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WHEREAS, over the past 12 years, the County's dependence on the services provided by OSOs has grown because of increased shark attacks and sightings, missing persons, and the growth of kite surfing and stand-up paddling; and

WHEREAS, in 2006, the City and County of Honolulu entered into a Supplemental Agreement with HGEA to compensate eligible water safety officers for the operation of personal watercraft at the rate of \$2.50 per hour for all hours they are assigned to perform related duties, including the maintenance and transporting of Jet Skis; and

WHEREAS, the County of Kauai followed suit by entering into a similar agreement to compensate personal watercraft operators; and

WHEREAS, during the past 12 years, the County has saved over \$1 million by not properly compensating OSOs that use personal watercraft, assuming a minimum employment of two OSOs per Jet Ski paid an additional \$20 per day; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council urges the Mayor and Director of Parks and Recreation to additionally compensate the 45 certified County of Maui Ocean Safety Officers ("OSOs") who volunteer to be personal watercraft operators by executing a Supplemental Agreement with Hawaii Government Employees Association Collective Bargaining Unit 3;
2. That the Council urges the Mayor and Director of Parks and Recreation to pay for, and require, all County-certified OSOs to take the United States Coast Guard Auxiliary Boating and Seamanship Course, and to conduct annual recertification, to be provided in the Supplemental Agreement;
3. That the Council urges the Mayor and the Director of Parks and Recreation to provide retroactive compensation for the services of current OSO watercraft operators; and

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4. That certified copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor, County of Maui; Ka`ala Buenconsejo, Director of Parks and Recreation, County of Maui; Randy Perreira, Executive Director, Hawaii Government Employees Association; Michelle Mitra, Maui Division Chief, Hawaii Government Employees Association; Marian Feenstra, Aquatics Chief, Department of Parks and Recreation; Cary Kayama, Ocean Safety Supervisor, Department of Parks and Recreation; Brad Quinto, West Maui Captain, Department of Parks and Recreation; Zach Edlao, Makena Captain, Department of Parks and Recreation; Keola Brown, North Shore Captain, Department of Parks and Recreation; Jeff Meadows, South Maui Captain, Department of Parks and Recreation; and Kekai Brown, Training Captain, Department of Parks and Recreation.